IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19-8-2006

CORAM

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.No.25684 of 2006

G.Natarajan ... Petitioner

Versus

The Wildlife Warden
Wildlife Warden Office,
Teynampet,
Chennai-600 006. ... Respondent

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the respondent vide che.mu.Order No.1247/2002/P2/ culminating in his order dated 17.9.2002, quash the same and direct the respondent to reinstate the petitioner in service as Mazdoor.

For Petitioner :Mr.N.Rajan & S.Kannan
For Respondent :Mr.Edwin Prabhakaran
Government Advocate.

ORDER

This writ petition has been filed to call for the records relating to the proceedings of the respondent vide che.mu.Order No.1247/2002/P2/ culminating in his order dated 17.9.2002, quash the same and direct the respondent to reinstate the petitioner in service as Mazdoor.

2.By consent of either side, the writ petition itself is taken up for final hearing and disposal. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate for the respondent.

3.The impugned order passed by the respondent dated 17.9.2002 itself shows that there is an appeal provision provided to the appellate authority namely the Director of

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Anna Zoological Park, Chennai. However it is stated that the appeal shall be preferred within 60 days.

4.The learned counsel for the petitioner submits that the filing of appeal will not serve any purpose. In any event since the impugned order is in the month of September, 2002, the period of appeal has expired.

5.I am of the considered view that since the matter is removal from service and the learned Government Advocate has no objection the petitioner shall be given an opportunity to adjudicate the matter before the appellate authority on merits.

6.In view of the above, the writ petition is dismissed with the following direction:

i)The petitioner is permitted to file an appeal against the impugned order of the respondent to the Director of Anna Zoological Park within a period of two weeks from the date of receipt of a copy of this order.

ii)On filing of such appeal by the petitioner within the stipulated period as above, the appellate authority shall consider the appeal on merits without taking into consideration of the limitation and pass appropriate orders. No costs.

vk

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To:

The Wildlife Warden
Wildlife Warden Office,
Teynampet,
Chennai-600 006.

+ one cc to Mr. N. Rajan, Advocate sr no. 36901

AKM(CO)
NM(21.08.2006)

W.P.No.25684 of 2006

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